

REMARKS

This Amendment is submitted simultaneously with filing of a Request for Continuing Examination.

The last Office Action has been carefully considered.

It is noted that Claims 1, 4, and 6-11 are rejected under 35 USC 103(a) over German patent DE '552 in view of the U.S. patent '856.

After carefully considering the Examiner's grounds for rejection of the claims over the art, applicants retained Claims 1-11 and added new Claims 12-19.

Turning now to the Examiner's rejection of the claims over the art, it can be seen that in the Examiner's opinion DE '552 does not teach a plurality of damping elements disposed between the driven gear (13) and the driven shaft (14). However, in the Examiner's opinion the U.S. '856 teaches a plurality of spring-elastic damping elements (32) located between the driven gear wheel (18) and the driven shaft (12). In his opinion it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the damping arrangement of DE '552 with the damping device having a plurality of damping

elements as taught by US '856 to provide a gear that reduces shock, strain and torsional vibrations.

While the Examiner stated that DE '552 reference did not disclose a plurality of damping elements, he however did not consider additional new features for "a plurality." The following new features are defined in Claims 1 and 11:

1. Two or more damping elements (22) are provided in each pocket (21) (former Claim 5);

2. Each individual damping element is supported on the radial rib (18) and on a radial side wall (211) of the pocket (21) (former Claim 5);

3. The radial side walls (211) of the pockets (21) in the region of contact with the damping elements (22) are provided with indentations (former Claim 8, now in Claim 1);

4. The radial ribs (18) of the slaving device (16) at least in their region extending in the pockets (21) have concavities or convexities in contact with the damping elements (22) (former Claim 9, now in Claim 11).

Claims 1 and 11 include the features of Claims 2, 3, 5, and 9 dealing with the slaving device (16) with all individual features. The slaving device (16) is provided with these individual features, in particular with the ring (17) and the radial ribs (18), and these features are not disclosed in the DE '552 reference. In this reference the element (12') is one part of the bevel gear (12), and the element (12') is not comparable with the slaving device (16) of the hand power tool in accordance with the present invention. The element (12') is not a ring, but instead a disk with a hub (cylinder sleeve).

The element (12') has no (typical) radial ribs corresponding to the radial ribs (18) of the applicant's invention. In the applicant's invention the radial ribs (18), as can be seen from Figures 1 and 2, are formed as radially projecting fingers which extend from the ring (17).

Furthermore, in this reference the element (12'') which is identified as a second part of the bevel gear (12) has no elements which are similar to the pockets (21) of the applicant's invention, into which the finger-like radial ribs (18) extend.

This reference also does not disclose the following feature:

“The driven gear wheel (13) seats without play, rotatably and axially nondisplaceably, on the driven shaft (14) and is-in the axial direction, braced on one side on an annular shoulder (15), embodied on the driven shaft (14), and on the other side of the slaving device (16) which is fixed on the driven shaft (14),”

as explained in the specification, in particular at the bottom of page 3 to the top of page 4, and also on page 4, last paragraph, and partially in Claim 4. These features are now defined in independent Claim 12, which starting from Claim 11 the feature “said driven gear (13) is seated rotatably on the driven shaft (14)” is replaced correspondingly.

It should be mentioned that in this reference neither the element (12”) nor the element (12’), which together form the bevel gear (12) – “are seated rotatably on the driven shaft”, and therefore the axial support of the driven gear wheel is not as in the present invention.

It is therefore believed to be clear that the new features of the present invention as now defined in Claims 1 and 11 are not disclosed in this reference.

Turning now to the new reference applied by the Examiner, namely U.S. patent ‘856, it can be seen that this reference discloses a cog wheel

construction. First of all it is respectfully submitted that a person of ordinary skill in the art would not consider the teaching of this reference jointly with the teaching of an electric hand power tool disclosed in DE '552 reference. The US '856 reference deals with a gear construction for motor trucks with the specific features defined in column 1, lines 19-46. Motor trucks are completely different devices than the electric hand power tools of DE '552 reference and are not comparable with them. A person of ordinary skill in the art who familiarized himself with electric power tools of DE '552 reference would not consider at all the constructions related to the motor trucks and the transmissions for the motor trucks. The transmissions of motor trucks cannot provide any hint or suggestion for solutions related to electric hand power tools. It is therefore respectfully submitted that the combination of these two references cannot be considered as obvious.

As for U.S. '856 reference itself, which in the Examiner's opinion discloses a "plurality" of damping elements (32), it is believed to be clear that such cylindrical damping elements (32) of this reference would not provide any solutions for a hand power tool of DE '552 reference. The construction disclosed in DE '552 reference does not allow the transfer of the damping means (32) from U.S. '856 reference and in particular to DE '552 reference. It should be emphasized that in DE '552 reference between the both elements (12') and (12''), which are disk-shaped, an intermediate disk is located, with which both

disks (12') and (12'') are fixedly connected by vulcanization. A person skilled in the art will realize from consideration of U.S. '856 reference that a tooth coupling (24, 20) between the elements (13) and (10) is provided with the teeth (20) and the grooves (24), between which play is retained (according to column 2, line 59). In operational condition a small peripheral offset is produced in this tooth coupling (column 3, line 66) and thereby in this region a shock damping can be achieved by the damping element (32). This play of the tooth coupling (24, 20) is therefore available for the damping movement. The damping element (32) can apply a damping action only over a small peripheral region determined by the play.

It is obvious that in this case the gear wheel (13) is not arranged on the driven part (10) not freely rotatable which is deliberately provided by the gear tooth coupling (24, 20).

A person skilled in the art from consideration of U.S. '856 reference would clearly find the basic differences when compared with DE '552 reference. The damping device (32) disclosed in U.S. '856 reference, which because of the tooth coupling (24, 20) can dampen only a small circumferential angle, is unsuitable to be transferred to the hand power tool of DE '552 reference.

The Examiner's attention is respectfully directed to the features of additional new claims submitted with the present Amendment. Claim 13 specifically defines that the ring (15) is joined in form-locking fashion to the driven shaft (14) (Claim 7).

Claim 14 contains an additional feature of Claim 10 (construction as an angular gear).

Claim 15 contains an additional feature in accordance with which the damping elements are spherical as disclosed on page 7 of the specification.

Claim 16 contains additional features, in accordance with which the damping elements are roller-shaped and extend with their axes parallel to the axis of the driven shaft (14), as disclosed on pages 6 and 7 of the specification.

Claim 17 defines an additional feature in accordance with which the radial ribs (18) have a rectangular profile (original Claim 9 and the specification on page 7).

Claim 18 defines a hand power tool which combines features of Claims 11, 7 and 4.

Claim 19 defines a hand power tool which combines the features of Claims 11, 7, 4 and 10.

These claims clearly and patentably distinguish the present invention from the prior art as well.

In view of the above presented remarks and amendments it is believed that the claims currently on file should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should

the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

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